

Whitt Law Firm, LLC

ATTORNEYS AND COUNSELORS AT LAW

ADMITTED TO THE UNITED STATES
SUPREME COURT BAR (1996)

“A VETERAN OWNED LAW FIRM”

OF COUNSEL:

RICHARD L. WHITT

JEFFERSON D. GRIFFITH, III

401 WESTERN LANE, SUITE E,
IRMO, SOUTH CAROLINA 29063
MAILING ADDRESS: POST OFFICE BOX 362
IRMO, SOUTH CAROLINA 29063
TELEPHONE: (803) 995-7719

May 18, 2021

VIA, ELECTRONIC MAIL AND ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk/Executive Director
Public Service Commission of South Carolina

Re: • Docket 2021-88-E - Dominion Energy South Carolina, Incorporated's 2021
 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)
 • **Letter in Support of South Carolina Department of Consumer Affairs's
 Motion**

Ms. Boyd:

I write on behalf of the Carolinas Clean Energy Business Association ("CCEBA"), which has been granted Intervenor status in the above-referenced Docket. Please reference the Motion of the South Carolina Department of Consumer Affairs, ("SCDCA"), filed with this Commission on May 12, 2021, in the above-referenced Docket. Specifically, SCDCA's Motion was styled as, "Motion for Commission to Review the Sufficiency of DESC's Application [as filed with this Commission on April 22, 2021]." Under the circumstances, intervention by the SCDCA is warranted, and the SCDCA's concerns expressed in the Motion are worthy of Commission action.

Despite the Commission's Order requiring DESC to submit its avoided cost application on or before April 22, 2021, DESC instead filed a document that it referred to as an "Application" which contained none of the required contents of an application under S.C. Code Ann. § 58-41-20(A) and this Commission's Order No. 2021-166. DESC's filing lacked proposed forms for a standard order, avoided cost methodologies, form contract power purchase agreements, or commitment to sell forms, among other expected documents. Rather, DESC attempts to delay its filing of those necessary documents until the filing of its direct testimony on or before June 29, 2021.

Ltr. to Boyd
May 18, 2021
Page 2 of 2

As detailed in the DCA's motion, DESC's approach imposes substantial hardship on any interested party or intervenor that wishes to respond to DESC's Application. CCEBA, as one of those Intervenor, supports the Motion and objects to DESC's filing. Rather than the scheduled 80 days for Intervenor and other interested parties to review the filed Application and obtain testimony if required, DESC's approach provides those Intervenor with a mere two weeks to review the proposed documents and the direct testimony in support thereof, and then to obtain witnesses. That is simply not enough time.

Moreover, the Application fails to provide a significant amount of additional required information, including, but not limited to:

- Proposed modifications to: Large QF Tariff, Standard Offer Tariff, Large QF PPA, Standard Offer PPA, or Notice of Commitment Form;
- Analytical support for proposed capacity and energy rate design;
- Analytical support for any proposed integration charge;
- Proposed mitigation protocol for avoidance of an integration charge.

In short, DESC's Application appears to be a placeholder filing and not a good faith effort to comply with this Commission's Order or the requirements of the statute. It deprives Intervenor and other interested parties of both information and an opportunity to respond to DESC's ultimate proposed actions, when those are eventually filed.

CCEBA therefore supports the Motion filed by the DCA and requests that the Commission grant the relief requested therein. In addition, CCEBA requests that the Commission consider extending subsequent deadlines to avoid prejudice to Intervenor and other interested parties and preserve adequate time to respond to DESC's ultimate filing.

Respectfully Submitted,

/s/Richard L. Whitt,
Richard L. Whitt,
*As Counsel to the Carolinas Clean Energy Business
Association.*

cc: All parties of record in Docket 2021-88-E, *via electronic mail*